



THE LEGISLATURE
State of Hawaii

NEWS RELEASE

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Contact: Rep. Marcus Oshiro
T. 808-586-8505

Legislative Committee Picks Five Finalists for Special Deputy to Conduct Kaloko Dam Investigation

Honolulu. The Special Deputy Attorney General Selection Committee today announced the names of five attorneys who are finalists for the position of Special Deputy Attorney General to conduct a civil investigation of the Kaloko Reservoir Dam collapse. The names will be forwarded to Attorney General Mark Bennett who will make a final determination from the attorneys on the list.

The committee was created pursuant to House Concurrent Resolution No. 192, which requested the Attorney General to independently and impartially investigate the Kaloko dam breach. The members of the committee are State Representative Marcus Oshiro, House Majority Leader, representing Speaker Calvin Say; Madeleine Austin, representing Senate President Robert Bunda; Joe Gomes, representing Senator Fred Hemmings, Senate Minority Leader; and Peter Carlisle, representing Representative Lynn Finnegan, House Minority Leader. The finalists include attorneys from Hawaii and on the mainland. They are, in alphabetical order:

Ronald Albu: Mr. Albu is a partner in Albu & Albu, a private law firm located in Kailua on Oahu. He was involved in the litigation of the claims of over 500 Kailua residents whose homes were flooded in the 1987 New Year's Eve flood, primarily responsible for handling the liability aspects of the case. Mr. Albu also handled major water rights litigation on behalf of taro farmers which resulted in a landmark ruling by the Hawaii Supreme Court, *Reppun v. Board of Water Supply*.

(more)

Special Deputy Attorney General

Page 2

June 22, 2006

Robert Carson Godbey: Mr. Godbey is a partner in Godbey Griffiths Reiss Chong, a private law firm in Honolulu. The focus of the firm is technology and intellectual property law, and associated commercial litigation. He earned degrees in electrical engineering and math. He has served in the past as a Special Deputy Attorney General as well as a Special Counsel to a Senate Special Investigating Committee led by the late Senator Richard Matsuura. Mr. Godbey spent seven years with the U.S. Department of Justice, as an Assistant U.S. Attorney for the District of Columbia and then for the District of Hawaii, where he concentrated on white collar fraud and computer fraud. He is an "AV" rated lawyer by Martindale-Hubbell, and has been listed for several years in Honolulu Magazine's "Hawaii's Best Lawyers."

Edward A. Jaffe: Mr. Jaffe has had 32 years of experience as a Hawaii trial lawyer handling construction, real estate and professional liability cases. He is currently an arbitrator and mediator in Rockville, Maryland, and is "Of Counsel" to his former Hawaii law firm, Torkildson, Katz, Fonseca, Moore & Hetherington, where he served as Senior Partner and Head of the Litigation Department. Mr. Jaffe is an "AV" rated attorney by Martindale-Hubbell.

Douglas W. MacDougal: Mr. MacDougal practiced law in Hawaii for 24 years before moving to Portland, Oregon where he is now a partner in the law firm, Schwabe, Williamson & Wyatt. He practices in the fields of water rights and natural resources law, and is knowledgeable about dams, flooding, streamflow and hydrology issues. While in Hawaii, he handled cases in water law and real estate law with the firm of Ashford & Wriston, served as an Adjunct Professor of Law at the William S. Richardson School of Law, and was appointed to the Review Commission for the State Water Code.

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Steven S. Michaels: Mr. Michaels served in various capacities, from 1985 to 1996, in the Department of the Attorney General, State of Hawaii, including First Deputy Attorney General and Solicitor General. As Deputy Attorney General, he was lead counsel for the state in the landmark Kauai water rights litigation. Since 1996, he has been a counsel in the Litigation Department in the New York office of the law firm Debevoise & Plimpton LLP, focusing on the areas of international and construction arbitration, civil and class action litigation, federal trial and appellate practice, product liability and general commercial litigation. His current and recent matters include construction and related contract disputes concerning facilities/public works in the United States, Argentina, the Bahamas, Brazil, the Cayman Islands, Ghana and Venezuela. Mr. Michaels also advises about and assists in the conduct of internal investigations as a member of the firm's White Collar Litigation practice group.

"We want to thank the members of the legal community who stepped up to offer their services and assistance in this important matter," said Rep. Marcus Oshiro. "Committee members were very impressed with the quality of the applicants, and we are confident that any of the finalist candidates will be able to conduct a thorough and impartial investigation on behalf of the people of Hawaii."

Scope of the Investigation: The Special Deputy Attorney General will conduct a civil investigation of the role and possible culpability of the State of Hawaii, the County of Kauai, the private landowners, and other parties. The legislature determined that the investigation of any criminal charges will remain with the Attorney General's Office. The Special Deputy is also expected to recommend legislation or government actions that could help prevent another tragedy.

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